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EXAMINER

THOMPSON JR, FOREST

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 09/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/596,921

Applicant(s)

VAN HORN ET AL.

Examiner

Forest Thompson Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-76 have been examined.

Claim Rejections - 35 USC § 112

2. Claim 52 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant states "52. The system of claim 51 wherein the outgoing message transmitter is configured to send the message over at least one of a wireless communications format and a television communications format" in claim 52. Examiner cannot determine applicant's intended meaning and scope of applicant's claimed invention from the language of "... to send the message over (emphasis added) at least one of a wireless communications format ..." Data is usually configured in a desired format and sent over some medium to a recipient. Correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

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Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-5, 7-12, 14, 20, 23-28, 30-33, 35, 39-42, 46-51, 54, 56-59, 66-72, 75-76 rejected under 35 U.S.C. 102(e) as being anticipated by O'Neil et al. (U.S. Patent No. 5,987,440).

Prior Art:

O'Neil discloses the functionality of a negotiating room associated with an on-line group-buying sale having one or more featured items in the disclosure of its networked Trusted Electronic Communities. Specifically, this invention facilitates the formation and use of networked Trusted Electronic Communities, hereafter referred to as E-Metro communities, where each E-Metro community comprises several members meeting common admission requirements. Preferably, it is the E-metro community that sets registration rules and verifies member identity itself or facilitates the use of other trusted

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Certificate Authorities. The informational identity of each member is encapsulated within the E-metro community as electronic personal information agents, hereafter referred to as E-PIAs, with each E-PIA representing a member's information and behavior, with some of the information supplied by each member and some of the information coming from trusted sources external to the member's E-metro Community. (col. 2 lines 2-33)

Additionally, the salient objects are E-PIAs acting as sellers, E-PIAs acting as buyers, and an E-Broker. Note that an E-PIA may also be an E-AutoPIA in this context. The E-Broker handles various public services and Interactions directly on behalf of the E-Bazaar, as well as mediate the Interactions between E-PIAs. (col. 25 lines 15-34)

Examiner will not necessarily repeat this data in the rejection of specific claims below, but it is to be understood that this referenced data is encompassed as needed in the following rejection.

Claims 1, 2, 8, 9, 10, 11, 20, 25, 26, 27, 28, 30, 40, 41, 46, 48, 49, 50, 51, 54, 56, 57, 58, 66, 67, 70, 71, 72, 76: O'Neil discloses:

- receiving the buyers in the negotiating room, wherein the negotiating room provides support for communications about the on-line group-buying sale among the buyers and the first seller (col. 2 lines 2-33);
- receiving an initial price for the featured item from the first seller (col. 25 lines 15-40);

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- initiating the on-line group-buying sale for the first featured item after receiving the initial price from the first seller (col. 2 lines 54-62; col. 11 lines 50-52; col. 25 lines 15-40);
- transmitting communications from the buyers to the first seller via the negotiating room, wherein at least some of the communications contain offers for the first featured item (col. 8 lines 60-67);
- producing a first flash demand curve for the first featured item using the offers for the first featured item (col. 34 lines 26-36), as illustrated in and synonymous with the showing of the quantity sold at an instant in time;
- providing the first flash demand curve to the first seller (col. 34 lines 26-33);
- receiving a modified price for the first featured item from the first seller (col. 34 lines 26-33);
- conducting a second on-line group-buying sale of the featured item using the sale demand curve (col. 34 lines 26-36); and
- transmitting the seller response to the buyer (col. 34 lines 26-38).

O'Neil's disclosures encompass one or more featured items from each one of one or more sellers for one or more on-line group buying sales through the functionality of the E-PIAs, for the activities of selling and buying products or items. The functionality of O'Neil's disclosure applies for the consideration of repetitive steps to provide consideration for changing prices for a first or a second or any number of products (or services) and multiple iterations of these. Therefore, O'Neil discloses applicant's

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aspects of a second featured item (or a third or more) and a second on-line group buying sale (or third or more).

Claim 3. O'Neil discloses:

- receiving a communication from a buyer of the buyers that contains an offer for the first featured item (col. 25 lines 15-40); and
- receiving a communication from the same buyer that contains an offer for the second featured item (col. 7 lines 59-61; col. 25 lines 15-40).

Claim 4. O'Neil discloses the first flash demand curve indicates that the buyer has also made an offer for the second featured item (col. 34 lines 34-36), through the disclosure of displaying the current quantity ordered.

Claims 5, 69. O'Neil discloses receiving an instruction from the first seller that modifies the featured item in the on-line group-buying sale to include at least one additional product/service in the disclosure of:

- a means for sellers to advertise a desire to trade (col. 25 lines 35-37), where the functionality of O'Neil encompasses advertising more than one product for sale and modifying the advertisement to include more than one product (col. 11 line 55 - col. 10 line 11; col. 27 lines 15-17); and

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- a seller or buyer has decided that it won't trade unless it can trade a certain quantity of goods or services (col. 25 lines 52-54) which encompasses the aspect of multiple products group for sale.

Claims 7, 47. O'Neil discloses receiving an instruction from the first seller to close the on-line group buying sale (col. 34 lines 15-25).

Claim 12. O'Neil discloses:

- the first on-line group-buying sale includes a second seller and a second featured item (col. 26 lines 1-6), and
- providing at least one communication between the buyers and the second seller to the first seller (col. 15 line 54 – col. 16 line 6).

Claims 14, 33, 59. O'Neil discloses receiving filtering instructions for communications relating to the featured item in the on-line group-buying sale; setting a message receiver to process buyer communications in accordance with the filtering instructions; receiving buyer communications pertaining to the featured item during the on-line group-buying sale; and filtering the received buyer communications through the message receiver in accordance with the filtering instructions, in the disclosure of a rules processor, a virtual interpreter, a virtual image, and e-broker objects (col. 44 line 53 – col. 45 line 217). This disclosure provides functionality for establishing rules for message processing to perform the above filtering functions, and performing these functions.

Claims 24, 75. O'Neil discloses:

- retaining at least a portion of the buyer communication in a data repository, wherein the data repository is configured to allow review of the communication portion by at least another buyer (col. 7 lines 19-39); and
- retaining at least a portion of the seller representative's response in the data repository, wherein the data repository is configured to allow review of the communication portion by at least another buyer (col. 7 lines 19-39).

Claim 31. Claim 31 is a method and is essentially the same as a combination of claims 20 and 24; therefore, the same rejection is applied.

Claim 32. O'Neil discloses the instructions transmitted to the on-line group-buying mechanism additionally comprise at least one of a time interval for when the on-line group-buying sale is available, a minimum or maximum quantity of tie at least one featured item, and a new price curve for the featured item (col. 12 lines 6-10).

Claim 33. O'Neil discloses filtering the buyer communication using a message receiver (col. 45 lines 6-17).

Claim 35. O'Neil et al. discloses identifying a message receiver format to apply in transmitting the buyer communication to the seller representative (col. 49 lines 18-33).

Claim 39. O'Neil et al. discloses:

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- examining the buyer communication to determine if an automated responder is suitable for replying to the buyer communication (col. 11 line 10 – col. 12 line 22; col. 56 lines 56-63); and
- sending the buyer communication to the automated responder if examination of the buyer communication determines that the automated responder is suitable for replying to the buyer communication (col. 11 line 10 – col. 12 line 22).

Claim 42. O'Neil et al. discloses:

- an automated responder configured to review the buyer communications and provide a response to at least one buyer communication (col. 11 line 10 – col. 12 line 22),
- wherein the outgoing message transmitter is further configured to send the response to at least one buyer (col. 11 line 10 – col. 12 line 22).

Claim 68. O'Neil discloses receiving a modified price for the first featured item from the first seller (col. 34 lines 26-33).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 13, 15-19, 21-23, 29, 34, 36-38, 43-45, 61, 63-65, and 73-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil et al. (U.S. Patent No. 5,987,440) as applied to claims 8, 20, 26, 31, 41, 59, and 72 above, and further in view of Official Notice.

Prior Art:

O'Neil discloses the functionality of a negotiating room associated with an on-line group-buying sale having one or more featured items in the disclosure of its networked Trusted Electronic Communities. Specifically, this invention facilitates the formation and use of networked Trusted Electronic Communities, hereafter referred to as E-Metro communities, where each E-Metro community comprises several members meeting common admission requirements. Preferably, it is the E-metro community that sets registration rules and verifies member identity itself or facilitates the use of other trusted Certificate Authorities. The informational identity of each member is encapsulated

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within the E-metro community as electronic personal information agents, hereafter referred to as E-PIAs, with each E-PIA representing a member's information and behavior, with some of the information supplied by each member and some of the information coming from trusted sources external to the member's E-metro Community. (col. 2 lines 2-33)

Additionally, the salient objects are E-PIAs acting as sellers, E-PIAs acting as buyers, and an E-Broker. Note that an E-PIA may also be an E-AutoPIA in this context. The E-Broker handles various public services and Interactions directly on behalf of the E-Bazaar, as well as mediate the Interactions between E-PIAs. (col. 25 lines 15-34)

Examiner will not necessarily repeat this data in the rejection of specific claims below, but it is to be understood that this referenced data is encompassed as needed in the following rejection.

Claims 13, 45. O'Neil does not explicitly disclose storing the at least one flash demand curve in a data repository. However, O'Neil does store orders received from buyers in a database. Official Notice is taken that it was old and well known in the art at the time the invention was made that data stored in databases may be extracted and manipulated by users to portray desired aspects of the data: for example, quantities of occurrences or types of data. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of O'Neil to explicitly store flash demand curves in a data repository, as disclosed by old and well known art,

for the motivation of being able to provide on demand an explicit indication of demand for a product.

Claims 15, 16, 17, 18, 19, 21, 22, 23, 34, 43-44, 61, 63, 64, 73, 74.- O'Neil does not explicitly disclose the filtering instructions pertain to filtering the received buyer communications by at least one of a chat format, an auditorium chat format, and a threaded message format; the filtering instructions direct the message receiver to filter the received buyer communications according to a buyer format request associated with at least one of the received buyer communications; the buyer format request is one of a chat format, an auditorium chat format, and a threaded message format; determining if the buyer format request is available; identifying another format if the buyer format request is not available; determining if multiple communications formats are available after receiving a buyer communication of the buyer communications; nor selecting a communications format of the multiple communications formats for the received buyer communication using the filtering instructions if multiple communications treatments are available.

However, Official Notice is taken that it would have been obvious to one skilled in the art at the time the invention was made that the filtering instructions pertain to filtering the received buyer communications by at least one of a chat format, an auditorium chat format, and a threaded message format, or any other preferential criteria as preferred by the seller or buyer; providers will use formats that accommodate their operations, either to entice or process buyer/seller interactions with their business; the filtering

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instructions direct the message receiver to filter the received buyer communications according to a buyer format request associated with at least one of the received buyer communications; the buyer format request is one of a chat format, an auditorium chat format, and a threaded message format; determining if the buyer format request is available; identifying another format if the buyer format request is not available; determining if multiple communications formats are available after receiving a buyer communication of the buyer communications; and selecting a communications format of the multiple communications formats for the received buyer communication using the filtering instructions if multiple communications treatments are available. For example, O'Neil discloses:

- Since each E-PIA has its own privilegeRules for the interaction with the E-AutoPIA which is the current context, the collected E-PIA's from the above SELECT must be further filtered (col. 45 lines 6-9);
- reformatting data received in the E-metro transformed into an HTML format before being presented to the user. This transformation occurs on the server so that only the Netscape Client and an existing HTML conversant Client programming systems (e.g. C++ and NCAPI, or JAVA) are needed on the client workstation. (col. 52 lines 51-57)

These disclosures encompass applicant's claimed aspects. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of O'Neil to explicitly disclose that the filtering instructions pertain to filtering the received buyer communications by at least one of a chat format, an

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auditorium chat format, and a threaded message format; that providers will use formats that accommodate their operations, either to entice or process buyer/seller interactions with their business; the filtering instructions direct the message receiver to filter the received buyer communications according to a buyer format request associated with at least one of the received buyer communications; and the buyer format request is one of a chat format, an auditorium chat format, a threaded message format; determining if the buyer format request is available; identifying another format if the buyer format request is not available; determining if multiple communications formats are available after receiving a buyer communication of the buyer communications; and selecting a communications format of the multiple communications formats for the received buyer communication using the filtering instructions if multiple communications treatments are available, as disclosed by old and well known art, for the motivation of processing communications between buyers and sellers in an on-line buying sale in a manner compatible with the capabilities or preferences of the buyers and/or sellers.

Claim 29. O'Neil does not explicitly disclose the flash demand curve is constructed by plotting received offers on a graph according to price and cumulative number of offers received at or below each price. However, Official Notice is taken that it was old and well known in the art at the time the invention was made that graphical data be displayed in many formats, including as an X-Y graph depicting two values, with one parameter positioned on one axis relative to corresponding values of a second parameter (i.e., cost versus number of items ordered). This is a simple manner to

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depict current status of orders and value. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the invention of O'Neil to explicitly construct the flash demand curve by plotting received offers on a graph according to price and cumulative number of offers received at or below each price, as disclosed by old and well known art, for the motivation of presenting a current status of orders to the user.

Claims 36, 37, 38, 65. O'Neil et al. does not specifically disclose the identified message receiver format is at least one of a chat format, an auditorium chat format, a threaded message/newsgroup chat format, and a message board format; the message receiver format comprises a seller-selected preference; the seller-selected preferences comprise thresholds pertaining to application of a message receiver format from set of message receiver formats. O'Neil does disclose communicating between users and between users and the system (fig. 7 [1, 11, 13, 42, 43, 47]; col. 13 line 53 – col. 14 line 65). Official Notice is taken that communicating using at least one of a chat format, an auditorium chat format, a threaded message/newsgroup chat format, and a message board format; the message receiver format comprises a seller-selected preference; and the seller-selected preferences comprise thresholds pertaining to application of a message receiver format from set of message receiver formats, was old and well known in the art at the time the invention was made. Sellers must communicate to achieve some success in business. Additionally, seller communications are established within constraints that sellers establish, based on their hardware systems and their business

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practices and preferences. Seller would typically attempt to establish communications requirements within the capabilities of their desired customers. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of O'Neil to explicitly disclose communications using a message receiver format that includes at least one of a chat format, an auditorium chat format, a threaded message/newsgroup chat format, and a message board format; the message receiver format comprises a seller-selected preference; and the seller-selected preferences comprise thresholds pertaining to application of a message receiver format from set of message receiver formats, as disclosed by old and well known art, for the motivation of allowing buyers and at least one seller to communicate about at least one featured item offered in an on-line group-buying sale using an old and well known message format, in order to accomplish sales.

Claim Rejections - 35 USC § 103

10. Claims 6, 53, 55, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil et al. (U.S. Patent No. 5,987,440) as applied to claims 1, 50, and 59 above, and further in view of Shkedy (U.S. Patent No. 6,260,024).

Prior Art:

O'Neil discloses the functionality of a negotiating room associated with an on-line group-buying sale having one or more featured items in the disclosure of its networked Trusted Electronic Communities. Specifically, this invention facilitates the formation and use of networked Trusted Electronic Communities, hereafter referred to as E-Metro

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communities, where each E-Metro community comprises several members meeting common admission requirements. Preferably, it is the E-metro community that sets registration rules and verifies member identity itself or facilitates the use of other trusted Certificate Authorities. The informational identity of each member is encapsulated within the E-metro community as electronic personal information agents, hereafter referred to as E-PIAs, with each E-PIA representing a member's information and behavior, with some of the information supplied by each member and some of the information coming from trusted sources external to the member's E-metro Community. (col. 2 lines 2-33)

Additionally, the salient objects are E-PIAs acting as sellers, E-PIAs acting as buyers, and an E-Broker. Note that an E-PIA may also be an E-AutoPIA in this context. The E-Broker handles various public services and Interactions directly on behalf of the E-Bazaar, as well as mediate the Interactions between E-PIAs. (col. 25 lines 15-34)

Shkedy discloses systems and methods for providing a global bilateral buyer-driven system for creating binding contracts by incorporating various methods of communication, commerce and security for the buyers and the sellers. Individual buyers' purchase requirements are aggregated into a single collective purchase requirement and sellers are located willing to bid on the collective purchase requirement. A central controller facilitates the buyer/seller transaction by fielding binding offers from buyers, aggregating those offers into group (i.e. pooled) offers and communicating those group offers globally in a format which can be efficiently accessed and analyzed by potential sellers. This system can also effectuate performance of

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resulting contracts, resolve disputes arising from those contracts, and maintain billing, collection, authentication, and anonymity. The methods disclosed are applicable to any commerce situation involving buyers and sellers. (Abstract)

Examiner will not necessarily repeat this data in the rejection of specific claims below, but it is to be understood that this referenced data is encompassed as needed in the following rejection.

Claim 6. O'Neil discloses orders are revocable orders in the disclosure of canceling the order so that it will not be fulfilled (col. 29 lines 37-42). O'Neil does not specifically disclose transmitting a message to the buyers stating that subsequently received offers from the buyers will be treated as irrevocable; nor receiving further communications from the buyers, wherein at least some of the communications contain irrevocable offers. However, O'Neil does disclose receiving communications from buyers that may contains offers, fulfilling orders, and communicating order status to buyers. Also, Shkedy discloses receiving orders from buyers that are binding on the buyer (col. 5 lines 43-48). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify O'Neil to specifically disclose transmitting a message to the buyers stating that subsequently received offers from the buyers will be treated as irrevocable, and receiving further communications from the buyers, wherein at least some of the communications contain irrevocable offers, as disclosed by the combination of O'Neil and Shkedy, for the motivation of communicating information between the seller and the buyers to provide orders and status information on the orders.

Claims 53, 60, 62. O'Neil does not explicitly disclose the message receiver and transmitter is configured to process buyer communications using at least one of a chat format, an auditorium chat format, a threaded message/newsgroup format, and a message board format, and the buyer format request is one of a chat format, an auditorium chat format, and a threaded message format. However, Shkedy discloses the message receiver and transmitter is configured to process buyer communications using at least one of a chat format, an auditorium chat format, a threaded message/newsgroup format, and a message board format, and the buyer format request is one of a chat format, an auditorium chat format, and a threaded message format. (Abstract). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of O'Neil to explicitly configure the message receiver and transmitter to process buyer communications using at least one of a chat format, an auditorium chat format, a threaded message/newsgroup format, and a message board format, and the buyer format request is one of a chat format, an auditorium chat format, and a threaded message format, as disclosed by Shkedy, for the motivation of providing messaging compatibility using old and well known message formats in support of selling featured items/products.

Claim 55. O'Neil et al. discloses the electronic network is at least one of a cable network, the Internet, and the public switched telephone network (col. 1 lines 9-21).

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11. Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil et al. (U.S. Patent No. 5,987,440) as applied to claim 59 above, and further in view of Shkedy (U.S. Patent No. 6,260,024) and Official Notice.

Prior Art:

O'Neil discloses the functionality of a negotiating room associated with an on-line group-buying sale having one or more featured items in the disclosure of its networked Trusted Electronic Communities. Specifically, this invention facilitates the formation and use of networked Trusted Electronic Communities, hereafter referred to as E-Metro communities, where each E-Metro community comprises several members meeting common admission requirements. Preferably, it is the E-metro community that sets registration rules and verifies member identity itself or facilitates the use of other trusted Certificate Authorities. The informational identity of each member is encapsulated within the E-metro community as electronic personal information agents, hereafter referred to as E-PIAs, with each E-PIA representing a member's information and behavior, with some of the information supplied by each member and some of the information coming from trusted sources external to the member's E-metro Community. (col. 2 lines 2-33)

Additionally, the salient objects are E-PIAs acting as sellers, E-PIAs acting as buyers, and an E-Broker. Note that an E-PIA may also be an E-AutoPIA in this context. The E-Broker handles various public services and Interactions directly on behalf of the E-Bazaar, as well as mediate the Interactions between E-PIAs. (col. 25 lines 15-34)

Shkedy discloses systems and methods for providing a global bilateral buyer-driven system for creating binding contracts by incorporating various methods of communication, commerce and security for the buyers and the sellers. Individual buyers' purchase requirements are aggregated into a single collective purchase requirement and sellers are located willing to bid on the collective purchase requirement. A central controller facilitates the buyer/seller transaction by fielding binding offers from buyers, aggregating those offers into group (i.e. pooled) offers and communicating those group offers globally in a format which can be efficiently accessed and analyzed by potential sellers. This system can also effectuate performance of resulting contracts, resolve disputes arising from those contracts, and maintain billing, collection, authentication, and anonymity. The methods disclosed are applicable to any commerce situation involving buyers and sellers. (Abstract)

Examiner will not necessarily repeat this data in the rejection of specific claims below, but it is to be understood that this referenced data is encompassed as needed in the following rejection.

Claim 62. O'Neil does not explicitly disclose the buyer format request is one of a chat format, an auditorium chat format, and a threaded message format. However, Shkedy discloses the buyer format request is one of a chat format, an auditorium chat format, and a threaded message format. (Abstract). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of O'Neil to explicitly provide the buyer format request in one of a chat format, an auditorium chat format, and a threaded message format, as disclosed by

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Shkedy and old and well known art, for the motivation of providing messaging compatibility using old and well known message formats in support of selling featured items/products.

Drawings

12. New corrected drawings are required in this application because the drawings are considered as draft drawings by examiner because of numerous copy marks, hand-written notations and comments and other hand-written or illegible marks. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art includes:

- Conklin et al. (U.S. Patent No. 6,141,653) discloses a multivariate negotiations engine for iterative bargaining which: enables a sponsor to create and administer a community between participants such as buyers and sellers having similar interests; allows a buyer/participant to search and evaluate seller information, propose and negotiate orders and counteroffers that include all desired terms, request sample quantities, and track activity; allows a seller/participant to use remote authoring

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templates to create a complete Website for immediate integration and activation in the community, to evaluate proposed buyer orders and counteroffers, and to negotiate multiple variables such as prices, terms, conditions etc., iteratively with a buyer.

- Walker et al. (U.S. Patent No. 6,085,169) discloses a conditional purchase offer (CPO) management system is disclosed for receiving CPOs from one or more customers, such as airline passengers, and for evaluating the received CPOs against a number of CPO rules defined by a plurality of sellers, such as airlines, to determine whether any seller is willing to accept a given CPO.

- Walker et al. (U.S. Patent No. 6,418,415) discloses an aggregate conditional purchase offer (CPO) management system for receiving and processing CPOs from buyers for one or more goods or services is disclosed. Received CPOs are processed to determine whether the CPO should be provided to sellers individually and/or collectively as part of an aggregate CPO. If a CPO is accepted individually, or collectively as part of an aggregate CPO, the buyer is bound on behalf of the accepting seller. CPOs are administered on behalf of groups of buyers to form aggregate CPOs which are offered to sellers. Groups are preferably formed dynamically in accordance with predefined aggregation rules.

- Pallakoff (U.S. Patent No. 6,269,343) discloses a method and system that allows sellers to communicate conditional offers to potential buyers. The conditions include prices that depend on the aggregate amount of goods or services that buyers collectively agree to purchase by a given time and date. The invention facilitates "demand aggregation", that is, aggregating demand by potential buyers (who may or

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may not know each other), for products offered by sellers. This invention allows sellers conveniently to offer "Demand-Based Pricing", that is, prices which go down as the volume of units sold in any given offer goes up.

- Halbert et al. (U.S. Patent No. 6,101,484) discloses a dynamic market equilibrium management system is especially adapted for the sale of goods and services through an online buying group (referred to herein as a "co-op") formed for the specific purpose of purchasing a particular product by defining a start time, end time, critical mass, any minimum number of units offered, any maximum number of units offered, starting price and product cost curve. As data is gathered from buyers, by means of their making binding purchase offers, the co-op is modified using the market equilibrium manager, so as to take into account market forces such as supply and demand for the item to be sold and their interrelationship with the purchase price for such item. When used with the online buying group, the dynamic market equilibrium management system permits dynamic, real time yield management decisions based on true market data.


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson Jr. whose telephone number is (703) 306-5449. The examiner can normally be reached on 6:30-3:30.

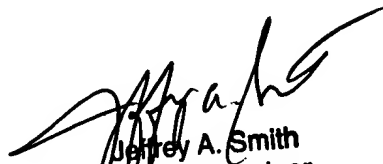
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

FT


August 19, 2003


Jeffrey A. Smith
Primary Examiner